

REMARKS

I. INTRODUCTION

Claims 1-3 and 5-6 are currently pending in the present application. Claims 1-3 and 5-6 have been rejected under 35 U.S.C. § 103(a). In view of the following remarks, Applicants respectfully submit that the pending claims are in condition for allowance.

II. REJECTIONS UNDER 35 U.S.C. § 103 (a)

Claims 1-3 and 5-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,254,956 ("Kjellqvist *et al.*") in view of U.S. Patent No. 5,571,588 ("Lussi *et al.*"). Applicants respectfully submit that these rejections should be withdrawn for at least the following reasons.

Applicants respectfully submit that Kjellqvist *et al.* does not qualify as prior art with respect to the present application. The Advisory Action admits that Applicants' foreign priority date of July 14, 1998 predates the 102(e) date of Kjellqvist *et al.* but requires a certified translation of the German priority document so as to perfect the priority date. Applicants herein enclose a certified translation of the German priority document. Therefore, withdrawal of this rejection is respectfully requested.

Also enclosed herein is an Information Disclosure Statement listing WO 98/10160, the PCT publication of Kjellqvist *et al.* Applicants respectfully request consideration of this reference and enclose a Declaration Under 37 C.F.R. §1.131 proving an invention date of the present invention prior to the March 12, 1998 publication date of this document. Pursuant to M.P.E.P. § 715.04 (I), the Declaration Under 37 C.F.R. § 1.131 is executed by Firma Carl Freudenberg, the assignee of interest, given that failed attempts to contact all of the inventors have proven that it is not possible to produce the declaration of all of the inventors.

III. CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance and requests that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants' attorney, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,

KENYON & KENYON

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By: 

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